

OCA 87-5529
29 October 1987

MEMORANDUM FOR: The Executive Director
The Counselor to the DCI
DDO
Comptroller
Director of Public Affairs
General Counsel
Inspector General
AGC/DO

FROM:
Legislation Division
Office of Congressional Affairs

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SUBJECT: Specter Legislation on Congressional Oversight and
Restructuring of the Intelligence Community

1. Senator Specter has introduced two bills that would make significant changes in the system of congressional oversight and the reorganization of the Intelligence Community. Attached are copies of both bills and the floor statement used by Specter to introduce the bills.

2. The National Intelligence Reorganization Act would split the Director of Central Intelligence's job into two parts. Specter argues that this legislation would separate the function of gathering and analyzing intelligence from the function of developing and carrying out policy. The DCI would become the Director of National Intelligence (DNI), and would supervise the Director of Central Intelligence Agency. Some of the responsibilities of the DNI would include being the primary advisor to the President on National Foreign Intelligence; providing direction on all foreign intelligence activities; reviewing, evaluating and approving a national foreign intelligence program and budget; reviewing and approving all reprogramming requests; and directing and tasking national foreign intelligence collection activities. The DCIA would be given a fixed 7-year term to ensure the DCIA remains non-partisan. The bill would also require that either the DCIA or DDCIA be filled by a career intelligence officer from the Intelligence Community.

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Specter's second bill, the "National Security Reform Act of 1987", tracks closely with a bill introduced by Senator Cohen last month. Both bills would require written Findings and would eliminate any recognition of the President's privilege to delay notification of a Presidential Finding beyond a very short period. The Specter bill differs from the Cohen bill in three areas. First, the Specter bill would require the President to notify Congress of a Finding within 24 hours, rather than 48 hours under the Cohen bill.

Second, the bill would create a statutory Inspector General for CIA. The President would appoint the Inspector General with the advise and consent of the Senate. The Inspector General could only be removed by the President for cause. The Inspector General would be given subpoena power and would have to submit semiannual reports to Congress summarizing the activities of the Office of the Inspector General. Specter is proposing a statutory Inspector General for CIA because he believes the current Office of Inspector General needs to be strengthened. Finally, the bill would impose a mandatory one-year jail sentence for any officer or employee of the U.S. government who provides false information to Congress. The bill would give an individual five days to correct false or misleading testimony before criminal liability would be imposed. Specter does not believe current penalties are strong enough to deter false testimony.

It is not likely that Specter's proposal to split the functions of the DCI will gather mainline member support. In addition, it is not likely that the portion of the Specter bill on congressional notification of intelligence activities will become the main vehicle for congressional reform now that the Cohen bill has the support of Boren, Inouye and Rudman. However, the Iran-Contra Committee is likely to support a statutory Inspector General. Chairman Boren and Vice-Chairman Cohen also lean toward supporting this proposal. Thus, there is a distinct possibility that the portion of the Specter bill dealing with a statutory Inspector General could be acted upon favorably. Historically, the Agency has opposed the creation of a statutory Inspector General and we intend to continue this opposition.

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Attachments
as stated

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